

STATE OF WISCONSIN

Senate Journal

Ninety–Eighth Regular Session

MONDAY, July 23, 2007

The Chief Clerk makes the following entries under the above date.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS; REFERENCE OF APPOINTMENTS

Read first time and referred:

Senate Bill 243

Relating to: preparation time as a mandatory subject of collective bargaining.

By Senators Erpenbach, Lehman, Hansen, Miller and Risser; cosponsored by Representatives Musser, Berceau, Zepnick, Travis, Boyle, Pocan, Sheridan, Soletski, Pope–Roberts, Jorgensen, Vruwink, Turner, Toles and Nelson.

To committee on **Labor, Elections and Urban Affairs**.

Senate Bill 244

Relating to: prosecution decisions based on certain payments to organizations or agencies.

By Senators Hansen, Lehman and Lassa; cosponsored by Representatives Albers, Soletski, Berceau and Townsend.

To committee on **Judiciary and Corrections**.

PETITIONS AND COMMUNICATIONS

State of Wisconsin Department of Transportation

June 25, 2007

The Honorable, The Legislature:

The Local Roads Improvement Program (LRIP) was established in 1991 to assist local communities in improving seriously deteriorating county highways, town roads, and municipal streets. Since then, \$280,734,086 has been distributed to local units of government through this program. The 2005–07 State Biennial Budget provided non–discretionary funds of \$16.1 million in FY 2006 and \$16.6 in FY 2007, and discretionary funds of \$7 million each year. Including carryover, \$46.6 million was available for 921 LRIP projects during the 2006–2007 program cycle.

Administrative Rule Trans 206.03(15)(f) directs WisDOT to publish a summary of program activity by June 30th of each odd–numbered year. The latest edition, Local Roads Improvement Program (LRIP) Biennial Summary Report State Fiscal Years 2006–2007 is available exclusively electronically on the LRIP Web site at <http://www.dot.wisconsin.gov/localgov/docs/lrip–biennial2006.pdf>. (Adobe Acrobat Reader will

be needed to view the report. This software can be downloaded for free at <http://www.adobe.com>.)

Information in the report is current as of April 20, 2007. Since not all projects from the 2006–2007 program cycle were completed as of this date, data in this report may not agree with the most current information available.

If you have questions regarding the program, please visit the LRIP Web site at <http://www.dot.wisconsin.gov/localgov/highways/lrip.htm>.

You may also contact one of the LRIP Program Managers:

Janice Watzke – janice.watzke@dot.state.wi.us Phone – (608) 266–9497 Counties Managed – Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Crawford, Douglas, Dunn, Eau Claire, Grant, Jackson, Juneau, Kenosha, La Crosse, Milwaukee, Monroe, Ozaukee, Pepin, Pierce, Polk, Racine, Richland, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vernon, Walworth, Washburn, Washington, Waukesha.

Kathryn Dustin – kathryn.dustin@dot.state.wi.us Phone – (608) 264–7336 Counties Managed – Adams, Brown, Calumet, Columbia, Dane, Dodge, Door, Florence, Fond du Lac, Forest, Green, Green Lake, Iowa, Iron, Jefferson, Kewaunee, Lafayette, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Menominee, Oconto, Oneida, Outagamie, Portage, Price, Rock, Sauk, Shawano, Sheboygan, Vilas, Waupaca, Waushara, Winnebago, Wood.

Sincerely,

LORI RICHTER

Local State Programs Unit Leader

State of Wisconsin Department of Administration

June 29, 2007

The Honorable, The Legislature:

This report is transmitted as required by s. 20.002(11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172(3), Wisconsin Statutes) and confirms that the Department of Administration has found it necessary to exercise the “temporary reallocation of balances” authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of May 2007.

On May 1, 2007, the **Wisconsin Health Education Loan Repayment Fund** cash balance closed at a negative \$2,000. This negative balance continued through May 31, 2007, when the fund’s cash balance closed at a negative \$2,000. The negative balance was due to the difference in the timing of revenues and expenditures.

The Wisconsin Health Education Loan Repayment Fund shortfall was not in excess of the statutory interfund borrowing

limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,

MICHAEL L. MORGAN

Secretary

Referred to joint committee on **Finance**.

**State of Wisconsin
Joint Legislative Council**

July 2, 2007

The Honorable, the Senate:

I am pleased to transmit to you the following report to the 2007 Legislature on legislation introduced by the Joint Legislative Council:

RL 2007-18 Special Committee on Recodification of
Chapter 21, Military Affairs
[2007 Assembly Bill 400]

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available at the Legislative Council Staff offices, One East Main, Suite 401, or from our web page at <http://www.legis.state.wi.us/lc/>

Sincerely,

TERRY C. ANDERSON

Director

WHA Information Center

July 2, 2007

The Honorable, the Senate:

Enclosed is a hard copy of the *2005 Health Care Data Report* produced by WHA Information Center pursuant to s. 153.22, Wis. Stats. The report (http://www.whainfocenter.com/data_resources/2005_hcdr/2005_hcdr.htm) was posted on our Web site in March 2007. Please feel free to download and print additional copies.

If you have any questions regarding the report you may contact me at 608-274-1820, 800-231-8340 or jkachelski@wha.org.

Sincerely,

JOSEPH KACHELSKI

Vice President

**Southeast Wisconsin Professional
Baseball Park District**

July 2, 2007

The Honorable, The Senate:

On behalf of the Board of Directors of the Southeast Wisconsin Professional Baseball Park District, we are pleased to submit the District's Financial Statements-Independent Auditor's Report for Year Ended December 31, 2006 (approved at the meeting of the Board of Directors on June 12, 2007) for your review and use. A copy can also be found on the District's website, www.millerparkdistrict.com.

The above report indicates that the Southeast Wisconsin Professional Baseball Park District Board of Directors has

consistently protected the taxpayers of the five-county District, and continues to do so. As you review the enclosed report, please note that for the eleventh consecutive year, the Southeast Wisconsin Professional Baseball Park District has received a "clean opinion" from independent financial auditors, BDO Seidman, LLP. In this year's audit, dated April 26, 2007, BDO Seidman states, "In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the District, as of December 31, 2006, and the changes in its financial position, for the year then ended in conformity with accounting principles generally accepted in the United States of America."

Thank you for your assistance and cooperation. Please feel free to contact me if you should have any questions or should you desire more information.

Very truly yours,

MICHAEL R. DUCKETT, P.E., R.L.S.

Executive Director

**State of Wisconsin
Department of Health and Family Services**

July 9, 2007

The Honorable, The Senate:

The Department of Health and Family Services is pleased to submit to you and the Legislature the report on Preparedness of the Wisconsin Public Health System to Respond to Public Health Emergencies. This report was prepared by the Department of Health and Family Services, Division of Public Health, as required by [2001 Wisconsin Act 109](#), s.250.03(3)(b).

Wisconsin's Public Health Preparedness Program continues to strengthen the foundation of preparedness through preparedness and response planning, workforce competency development and exercises with evaluation. State and local partners plan, train and exercise together to assure not only individual agency response capability, but also strong coordination for regional and statewide response. Highlights of the Public Health Preparedness Report include:

- Extensive pandemic influenza planning, purchasing of antiviral medication and exercising plans for disease containment.
- Establishing cross-border capacity through participation in the Great Lakes Border Health Initiative, consisting of MN, WI, MI, IN, OH, PA, NY and Ontario. This group has developed and tested guidelines for sharing communicable disease information across state and international borders.
- Implementing the Wisconsin Electronic Disease Surveillance System and associated electronic laboratory reporting for real time access to disease identification.
- Developing Chemical Emergency Assessment Teams to mobilize environmental health staff resources in the event of a major incident resulting from chemical agents, radiological agents or natural disasters.
- Testing, evaluating and improving emergency response to public health emergencies, terrorism and mass casualty events at the State, regional, local and tribal level.

These successes reflect sustained progress as well as exciting enhancements to Wisconsin's readiness to prevent, detect, investigate, control and recover from a public health event.

With warm regards,

KEVIN R. HAYDEN

Secretary

**State of Wisconsin
Joint Legislative Council**

July 16, 2007

The Honorable, the Senate:

I am pleased to transmit to you the following report to the 2007 Legislature on legislation introduced by the Joint Legislative Council:

RL 2007-13 Special Committee on Strengthening
Wisconsin Families
[2007 Assembly Bill 439]

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available at the Legislative Council Staff offices, One East Main, Suite 401, or from our web page at <http://www.legis.state.wi.us/lc/>

Sincerely,
TERRY C. ANDERSON
Director

**REFERRALS AND RECEIPT OF COMMITTEE
REPORTS CONCERNING PROPOSED
ADMINISTRATIVE RULES**

Senate Clearinghouse Rule 07-019

Relating to worker's compensation and affecting small businesses.

Submitted by Department of Workforce Development .

Report received from Agency, July 20, 2007.

Referred to committee on **Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection**, July 23, 2007.

Senate Clearinghouse Rule 07-014

Relating to fishing on the inland, outlying, and boundary waters of Wisconsin.

Submitted by Department of Natural Resources.

Report received from Agency, July 19, 2007.

Referred to committee on **Environment and Natural Resources**, July 23, 2007.

Senate Clearinghouse Rule 07-024

Relating to the administration of the forest crop law and the managed forest law.

Submitted by Department of Natural Resources.

Report received from Agency, July 19, 2007.

Referred to committee on **Campaign Finance Reform, Rural Issues and Information Technology**, July 23, 2007.

Senate Clearinghouse Rule 07-012

Relating to the referral of private timber sale requests to cooperating foresters.

Submitted by Department of Natural Resources.

Report received from Agency, July 19, 2007.

Referred to committee on **Campaign Finance Reform, Rural Issues and Information Technology**, July 23, 2007.

Senate Clearinghouse Rule 07-011

Relating to contracting for timber sale establishment services on state land and to the educational requirements for cooperating foresters.

Submitted by Department of Natural Resources.

Report received from Agency, July 19, 2007.

Referred to committee on **Campaign Finance Reform, Rural Issues and Information Technology**, July 23, 2007.

**Motions Under Senate Rule 98 and Joint Rule 7
for the Month of June 2007**

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Roessler, for Dale Barber, on the occasion of celebrating his 70th Birthday shared with family and friends.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for Betty Hayes Baxter, on the occasion of providing the gift of dance to youth and their families for 60 years.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for Ned and Helen Bechthold, on the occasion of being recognized as COA Youth and Family Centers' Parents of the Year.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Vinehout, for the Black River Country Bank, on the occasion of 100 years of exceptional service to the citizens of Jackson County.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for William R. Boelk, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Roessler, for Lieutenant Orren (Mick) Burroughs III, on the occasion of his retirement after his 25 years of meritorious service with the Fond du Lac Police Department.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Willa Cai, on the occasion of participating in the 2007 THINK Summer Institute.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for the Cayemberg family, on the occasion of the 70th annual family reunion.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Taylor, for Christian Faith Fellowship Church and Destiny Youth Plaza, on the occasion of the dedication of their new facility.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Taylor, for the Commando Phase II, on the occasion of all their selfless service to the community.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Kyler Crawford, on the occasion of participating in the 2007 THINK Summer Institute.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Kevin Doolittle, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Taylor, for Thomas A. Edison Middle and High School, on the occasion of thanking the staff and students as the doors close on this landmark event as it merges with John Muir Middle School.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for Dr. Howard Fuller, on the occasion of receiving the William C. Frye Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Rose Gruber, on the occasion of all her significant contributions to our community and wish her continued success in the future.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for Dr. Jon Gudeman, on the occasion of being recognized by the Grand Avenue Club for being an outstanding citizen.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for Gwen T. Jackson, on the occasion of the establishment of the Gwen T. Jackson Endowment.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Taylor, for Ms. Gwen T. Jackson, on the occasion of her recognition from the American Red Cross for her selfless dedication to the community.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Mr. Steven Jensen, on the occasion of his retirement after 37 years of service with the Wisconsin State Park System and the Department of Natural Resources.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Matthew Jensen, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for John W. Jung, on the occasion of J.W. Jung Seed Company celebrating 100 years in the agri-business industry.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Roessler, for Sue Kreibich, on the occasion of her retirement after 29 years of dedicated service to the Oshkosh Center.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Mr. Jeff Krueger, on the occasion of his retirement after 31 years of service with the Wisconsin State Park System and the Department of Natural Resources.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for Billie Kubly, on the occasion of being recognized by the Grand Avenue Club for being an outstanding citizen.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Roessler, for Jean Kwaterski, on the occasion of receiving special recognition from the National Association of College Auxiliary Services.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for Lafayette County's Courthouse, on the occasion of celebrating its Centennial and a bright start of its second century of service.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Jauch, for Superior Police Captain Chad LaLor, on the occasion of receiving the Michael Vendola Death Investigator of the Year Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for Ely Leichtling and Sally Merrell, on the occasion of being recognized as COA Youth and Family Centers' Parents of the Year.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Steven Roger Lewis, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Irene Loberg, on the occasion of her 36 years of dedication and service to the School District of Menomonee Falls.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for the Juneau County Star Times, on the occasion of its 150th Anniversary.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Harsdorf, for Mr. Ian McGinnis, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Kiernan McGowan, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Tim McGowan, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Taylor, for Brenda Louise Moore, on the occasion of her impeccable character and career.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Jauch, for Eric James Muench, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Steven D. Norlander, on the occasion of his 20 years of service and commitment to Iowa County.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Jauch, for Jacob Todd O'Flanagan, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for Sally Peltz, on the occasion of receiving the Frank Kirkpatrick Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for James O. and Mary Ruth Peterson, on the occasion of celebrating their 60th Anniversary.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Stephen Pulec, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for Michael Richard Quinn, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Robert Rauguth, on the occasion of his 12 years of dedication and service to the School District of Menomonee Falls.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for the City of Rhinelander, on the occasion of celebrating its 125th Birthday.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for Ann Robinson, on the occasion of her retirement after 28 years of service to the residents of Richland County.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Don Siegler, on the occasion of providing safe transportation to students for 50 years.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Sharon Sinclair, on the occasion of her retirement from the State of Wisconsin after years of service with Mendota Mental Health Institute as well as other state agencies.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Carpenter, for Ted Sobanski, on the occasion of his contributions to Wisconsin's rich culture and heritage.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Roessler, for John Sterba, on the occasion of his retirement after 26–1/2 meritorious years with the Fond du Lac Police Department.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for John and JoEllen Stollenwerk, on the occasion of receiving the William C. Frye Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Elroy and Mary Stroming, on the occasion of celebrating their 70th Anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for John Swingen, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Taylor, for Lena Jacquelyn Taylor, on the occasion of the celebration of her birthday shared with family and friends.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Roessler, for the University of Wisconsin–Oshkosh Women's Outdoor Track and Field team, on the occasion of placing 1st in the National Collegiate Athletic Association Division III Outdoor Track and Field competition.

A certificate of condolences by the Wisconsin Senate on the motion of Senator Hansen, for the family and friends of Edward W. Weidner, on the occasion of commemorating his life and extending our deepest sympathies.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Harsdorf, for Mr. Brian Weyers, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for Bradley Joseph Wigh, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for Dick Wright, on the occasion of receiving the Frank Kirkpatrick Award.